

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH W. BLAIR, III,

Defendant.

4:21-CR-3155

MEMORANDUM AND ORDER

The defendant objects ([filing 47](#)) to the Magistrate Judge's findings, recommendation, and order ([filing 44](#)) denying his motion to compel ([filing 32](#)) and recommending that his motion to suppress ([filing 34](#)) be denied.

The defendant has not objected to the recommendation that his motion to suppress be denied, *see* [filing 47](#), and 28 U.S.C. § 636(b)(1) provides for de novo review only when a party objects to the magistrate's findings and recommendations, *Peretz v. United States*, 501 U.S. 923 (1991). The failure to object eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009). Accordingly, the Court will adopt the Magistrate Judge's recommendation and deny the motion to suppress.

The defendant has objected to the order denying his motion to compel. [Filing 47](#). But a district court may reconsider a Magistrate Judge's ruling on nondispositive pretrial matters only where it has been shown that the ruling is clearly erroneous or contrary to law. *See* § 636(b)(1)(A); *Ferguson v. United States*, 484 F.3d 1068, 1076 (8th Cir. 2007). The Court has carefully reviewed the defendant's objection and the record, and finds that the Magistrate Judge's

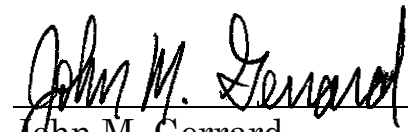
decision was neither clearly erroneous nor contrary to law. The Court therefore finds the defendant's objection to be without merit.

IT IS ORDERED:

1. The Magistrate Judge's findings and recommendation ([filing 44](#)) are adopted.
2. The defendant's objection ([filing 47](#)) is overruled.
3. The defendant's motion to suppress ([filing 34](#)) is denied.

Dated this 27th day of April, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge